

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

MICHAEL DURTHALER)
689 Maclin Dr.)
Columbus, Ohio 43204)
)
Plaintiff,) No.
)
vs.) JURY DEMAND ENDORSED HEREON
) VERIFIED CIVIL COMPLAINT
ACCOUNTS RECEIVABLE)
MANAGEMENT, INC.,) (Unlawful Debt Collection Practices)
155 Mid Atlantic Parkway)
Thorofare, NJ 08086)
)
Defendant.)

VERIFIED COMPLAINT

MICHAEL DURTHALER (Plaintiff), by his attorneys, KROHN & MOSS, LTD., alleges the following against ACCOUNTS RECEIVABLE MANAGEMENT, INC., (Defendant):

1. Count I of Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, *15 U.S.C. 1692 et seq.* (FDCPA).

JURISDICTION AND VENUE

2. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy," and *28 U.S.C. 1337* grants this court supplemental jurisdiction over the state claims contained therein.
3. Defendant conducts business in the State of Ohio, and therefore, personal jurisdiction is established.
4. Venue is proper pursuant to *28 U.S.C. 1331(b)(2)*.

PARTIES

5. Plaintiff is a natural person residing in Columbus, Franklin County, Ohio.
6. Plaintiff is a consumer as that term is defined by *15 U.S.C. 1692a(3)*, and according to Defendant, Plaintiff allegedly owes a debt as that term is defined by *15 U.S.C. 1692a(5)*.
7. Defendant is a debt collector as that term is defined by *15 U.S.C. 1692a(6)* and sought to collect a consumer debt from Plaintiff.
8. Defendant is a collection company with its headquarters in Thorofare, New Jersey.
9. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

FACTUAL ALLEGATIONS

10. In July of 2010, Defendant started constantly and continuously placing collection calls to Plaintiff seeking payment for an alleged consumer debt.
11. Defendant contacts Plaintiff from telephone number (866) 932-6714, several times a day, virtually every day, seeking payment for an alleged debt.

COUNT I

**DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT,
(FDCPA), 15 U.S.C. § 1692 et seq.**

12. Defendant violated the FDCPA based on the following:
 - a. Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequence of which is to harass, oppress, or abuse the Plaintiff in connection with the collection of a debt.
 - b. Defendant violated §1692d(5) of the FDCPA by causing a telephone to ring repeatedly and continuously with the intent to annoy, abuse, and harass Plaintiff.

WHEREFORE, Plaintiffs respectfully pray that judgment be entered against the Defendant for the following:

13. Statutory damages pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*,
14. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*
15. Any other relief that this Honorable Court deems appropriate.

RESPECTFULLY SUBMITTED,

By: /s/ Peter Cozmyk
Peter Cozmyk,
Attorney for Plaintiff

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DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Plaintiff, MICHAEL DURTHALER, hereby demands trial by jury in this action.

VERIFICATION OF COMPLAINT AND CERTIFICATION

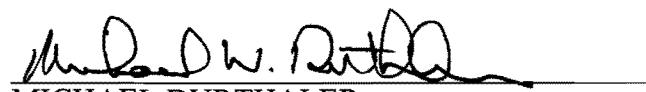
(STATE OF OHIO)

Plaintiff, MICHAEL DURTHALER, says as follows:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, MICHAEL DURTHALER, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

Dated: 26 Oct 2010


MICHAEL DURTHALER
Plaintiff